

### REMARKS

Responsive to the outstanding Office Action, applicant has carefully studied the Examiner's rejections. Favorable reconsideration of the application in light of the following amendments and detailed arguments is respectfully requested.

The claims pending in this application are claims 1-15. Claim 1 has been amended herein, and claims 12-15 are newly presented. It is respectfully submitted that no new matter has been presented in these amendments, nor in the claims newly presented.

### REJECTIONS UNDER 35 USC §102

Claims 1-11 were rejected under 35 USC 102(b) as being unpatentable by Douglas et al. (US 6,039,688). The Examiner goes on to show a detailed listing of the present claim elements that he believes are disclosed by Douglas.

Claim 1 defines a method of managing the use of a medical scheme by members thereof. The scheme includes defining a plurality of health-related facilities and/or services, offering the facilities and/or services to members of the medical scheme, monitoring use of the facilities and/or services by each member, allocating a credit value to each member according to their use of the facilities and/or services, and allocating rewards to members who accumulate credit values exceeding predetermined values

Similarly, independent claim 11 defines a method of managing the business of a medical scheme wherein the provider of such medical scheme undertakes liability in return for a premium or contribution, and provides to members who pay such premiums or make such contributions, relevant health services, and/or assistance in defraying expenses incurred in connection with rendering such relevant health services. In this

scheme, a plurality of health-related facilities and/or services is defined, the facilities and/or services are offered to members of the medical aid scheme, the use of the facilities and/or services by each member is monitored, a credit value is allocated to each member according to each use of the facilities and/or services and rewards are allocated to members who accumulate credit values exceeding predetermined values.

The examiner has stated that Douglas (col 6; lines 7-13) discloses "defining a plurality of health-related facilities and/or services" and that it further (col 6; lines 27-38) discloses offering the facilities and/or services to members of the medical aid scheme.

It is respectfully submitted that the Douglas patent describes a system for monitoring compliance. The program of Douglas is set up for an individual by a doctor, for example, and the individual's compliance with the program is monitored by the individual periodically logging into the system to enter details regarding their performance. Thus, it is respectfully submitted that the Douglas patent is concerned with a monitoring system.

It is submitted that Douglas does not disclose the actual offering of health-related facilities and/or services to the individual, as is claimed in claims 1 and 11 of the present application. Rather, the individual is told to comply with a program and once they have done this they enter this information into the system.

In contrast to the monitoring system disclosed in Douglas, the present invention provides the means to the individual to comply with the program rather than just instructing the individual to comply and monitoring the individual's response. In practice, this becomes the difference between a successful motivational program and an unsuccessful one. Rather than just telling the individual what to do and then sifting back

and waiting for the individual to state that this has been done the present invention actually provides the individual with the tools to comply with the program.

It is further submitted that it is not surprising to one skilled in the art that the Douglas document does not disclose these elements as the Douglas document is directed towards a computerized system with the focus being on the computerized system. In contrast to this, the present invention as claimed is focused on the methodology to enhance member compliance, again as opposed to monitoring such compliance. In short, nowhere in the Douglas document is the offering of health-related facilities and/or services to the members of the medical aid scheme disclosed, as is claimed in independent claims 1 and 11 of the present invention.

In addition, claim 11 defines that the provider of such medical scheme undertakes liability in return for a premium or contribution, and provides to members who pay such premiums or make such contributions, relevant health services, and/or assistance in defraying expenses incurred in connection with rendering such relevant health services. Douglas does not disclose this. The applicant wishes to point out that the examiner did not in fact give any reference in the official action as to where, in the examiner's opinion, this is disclosed and is of the view that this is because it is not disclosed. Thus, claim 11 further distinguishes over the applied reference.

Turning to the dependent claims, it is also submitted that claim 2 further distinguishes over the applied art of record. In claim 2, the plurality of health-related facilities and/or services includes at least one of the group consisting of membership of health clubs, membership of gymnasiums, membership of fitness programs, weight-loss programs and programs to quit smoking. The Douglas document certainly does not disclose the offering

of these type of programs to the individual and rather describes telling the individual to find a program. This is a key distinction between the present claimed invention and the applied reference. In paragraph 2B of the official action the examiner has stated that this was disclosed in Douglas in column 5 lines 60 to column 6, line 6. With respect to the Examiner's position, the applicant fails to see how these lines in any way disclose offering membership of health clubs, membership of gymnasiums, membership of fitness programs, weight-loss programs and programs to quit smoking to the individual.

With regard to claim 3, in paragraph 2C of the official action, the examiner objects to claim 3 based on column 2 lines 23-47. The combination of claim 1 read with claim 3 would provide that the member undergoes a preventative medical procedure in return for a credit value. At most, column 2 lines 23-47 of the reference discloses having medical tests which should not be confused with preventative medical procedures. New claim 12 has been inserted to further distinguish this for the examiner where the preventative medical procedure is a vaccination, which is certainly not shown by the applied reference.

Additionally, the applicant would also like to point out to the examiner that Douglas does not in any way deal with managing the use of a medical scheme by members thereof, rather the Douglas document deals with a computerized system for behavior modification.

In paragraph 2F of the official action the examiner objects to claim 6 based on column 15 lines 45-51. Again, applicant disagrees with this interpretation by the Examiner, in that these lines simply do not disclose in any way advance authorization of hospitalization, advanced preauthorization of treatment, registration for electronic funds transfer and compliance with preferred procedures. This is not surprising as these procedures are

procedures which a medical scheme would require from its members and the Douglas patent has nothing to do with the managing of the use of a medical scheme.

Likewise, in paragraph 2G of the official action the examiner rejects claim 7 based on columns 14 lines 38-42 and column 17 lines 64-18. Again, there is absolutely nothing in these columns that suggests that the reward allocated to the member is linked to the amount of the member's annual claims or whether not the member has been hospitalized in a predetermined period of time.

Referring to paragraph 2H of the office action, the applicant again respectfully disagrees with the examiner's conclusion that Douglas column 5 lines 52-59 in any way discloses any of the reward being allocated on the basis of a draw, giving access to family members to health-related facilities and/or services, decreased premium payments or increased benefit payments.

The applicant also submits that the examiner has misunderstood claim 9 which says that the reward allocated to a member is not actually given to the member before a predetermined period has passed or the member has attained a predetermined age. It must be noted that the reward has already been allocated to the member. The examiner has objected to this based on Douglas column 18 line 66 to column 19 line 2 which refers to allocating a reward after a predetermined amount of time, not withholding a reward already allocated. On this basis claim 9 further distinguishes over the applied reference.

The examiner has objected to claim 10 based on Douglas 14 lines 38-47. Yet again, applicants submit that this is not the case. As Douglas is not at all concerned with managing the use of members of a medical scheme, the Douglas patent, and certainly the

indicated portion, do not disclose the fact that the reward is forfeited if the member is not a member of the medical aid scheme after the predetermined period has passed.

Newly presented claims 13 and 14 emphasize the fact that the present invention deals with managing the use of a medical scheme by members thereof. As discussed hereinabove, the Douglas document deals with a computerized system for behavior modification, which is totally different in design and conception than the present invention.

Any dependent claims not specifically mentioned above are thus believed to be allowable based, at least, upon their dependence from allowable base claims as discussed above.

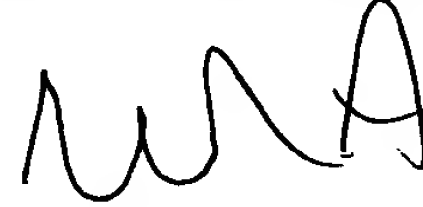
In the light of the above, the applicants submit that the claims are both new and inventive in the light of the cited prior art and the applicant respectfully requests that the application be granted.

SUMMARY

Claims 1-15 are thus believed to be allowable. It is therefore submitted that the application is now in condition for allowance, and action towards that end is respectfully requested.

Should the Examiner wish to modify the application in any way, applicant's attorney suggests a telephone interview in order to expedite the prosecution of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MA Hixon', with a long, sweeping vertical stroke extending downwards from the right side.

Mark A. Hixon  
Registration No. 44,766

ATTORNEYS  
Marshall & Melhorn, LLC  
Four SeaGate - 8th Floor  
Toledo, Ohio 43604  
(419) 249-7114  
(419) 249-5171 Facsimile